

ORDINANCE NO. F-0752

**AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH
CONDEMNATION OF CERTAIN PROPERTY LOCATED WITHIN THE WHEATON
MAIN STREET REDEVELOPMENT PROJECT AREA BY THE
CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS
(111 & 113 North Main Street, Wheaton, Illinois)**

WHEREAS, on December 6, 1999, the Mayor and City Council of the City of Wheaton (the "Corporate Authorities") passed and approved Ordinance No. F-0418, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Approving a Tax Increment Redevelopment Plan and Redevelopment Project for the City of Wheaton Main Street Redevelopment Project Area"; and,

WHEREAS, on December 6, 1999, the Corporate Authorities passed and approved Ordinance No. F-0419, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Designating the City of Wheaton Main Street Redevelopment Project Area A Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act"; and,

WHEREAS, on December 6, 1999, the Corporate Authorities passed and approved Ordinance No. F-0420, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Adopting Tax Increment Allocation Financing for the City of Wheaton Main Street Redevelopment Project Area"; and,

WHEREAS, on January 7, 2002, the Corporate Authorities passed and approved Ordinance No. F-0675, "An Ordinance of the City of Wheaton, DuPage County, Illinois Approving an Amendment to the Wheaton Main Street Redevelopment Area Project and Plan and Ratifying and/or Confirming Certain Other Changes"; and,

WHEREAS, the Corporate Authorities deem it advisable and in the public interest and welfare to acquire title to certain real estate located within the City of Wheaton Main Street Redevelopment Project Area, with the said real estate having been found in Ordinance No. F-0418 to not be subject to growth and development by private enterprise, and also that the property would not be reasonably anticipated to be developed without the adoption of a Redevelopment Plan; and,

WHEREAS, the Corporate Authorities find that the real estate described in the attached **Exhibit A** and depicted in the attached **Exhibit B** should be acquired to fulfill the goals and purposes of the Redevelopment Plan and Redevelopment Project for the City of Wheaton Main Street Redevelopment Project Area; and,

WHEREAS, in accordance with the property ownership disclosure requirement imposed on units of local government as set forth in 50 ILCS 105/3.1, the City of Wheaton, has obtained a tract search identifying the record title holder of the real estate described in the attached Exhibit A and depicted in the attached Exhibit B to be: Robert O. Sandberg and Karen K. Sandberg,

husband and wife, a copy of said tract search being attached hereto and incorporated herein as **Exhibit C**; and,

WHEREAS, on May 20, 2002, Ordinance No. F-0718 was adopted providing for the negotiation for the acquisition of the property described in Exhibit A and depicted in Exhibit B attached hereto; and

WHEREAS, on June 17, 2002, one of the record title holders, Robert O. Sandberg, made a presentation to the Corporate Authorities and indicated that he had obtained a tenant for 111 North Main Street, and that the tenant is proposing to make certain improvements to the property; and

WHEREAS, on June 20, 2002, a letter was delivered to Robert O. Sandberg requesting that a copy of the executed lease for 111 North Main Street be provided to the City Manager, as well as a copy of the development plans. A copy of the aforementioned letter is attached hereto as **Exhibit D**; and

WHEREAS, on July 1, 2002 Robert O. Sandberg made another presentation to the Corporate Authorities and presented a copy of an executed Store Lease for 111 North Main Street; however, said copy did not contain "Rider No. 1", as referenced in the Store Lease; and

WHEREAS, on July 12, 2002, a letter was delivered to Robert O. Sandberg requesting that a copy of Rider No. 1 to the aforementioned Store Lease be delivered to the Corporate Authorities, as well as development plans and architectural specifications for redevelopment of the property. A copy of the aforementioned letter is attached hereto as **Exhibit E**; and

WHEREAS, on July 15, 2002, Robert O. Sandberg was in attendance at a meeting of the Corporate Authorities where the status of negotiation for the acquisition of the property described in Exhibit A and depicted in Exhibit B was discussed; and

WHEREAS, on July 23, 2002 a letter was delivered to Robert O. Sandberg again requesting that a copy of Rider No. 1 to the aforementioned Store Lease be delivered to the Corporate Authorities, as well as development plans and architectural specifications for redevelopment of the property. A copy of the aforementioned letter is attached hereto as **Exhibit F**; and

WHEREAS, on July 26, 2002, an Application for Permit and Interior Remodeling Plans for the subject property were submitted by Jevon Chan; and

WHEREAS, on August 1, 2002 and August 6, 2002 Plan Review Comments proposed by City Building Code Enforcement staff were prepared and forwarded to Mr. Jevon Chan, the purported tenant of the subject property; and

WHEREAS, on August 5, 2002 Robert O. Sandberg was in attendance at a meeting of the Corporate Authorities where the status of negotiation for the acquisition of the property described in Exhibit A and depicted in Exhibit B was discussed; and

WHEREAS, on August 9, 2002 a letter was delivered to Robert O. Sandberg (a copy of said August 9, 2002 letter is attached hereto and incorporated herein as **Exhibit G**) again requesting a copy of Rider No. 1 to the aforementioned Store Lease, and confirming the extension to August 14, 2002 for Mr. Sandberg and/or his purported tenant the opportunity to submit a complete redevelopment plan; and

WHEREAS, on August 13, 2002, correspondence dated August 10, 2002 was received from Robert O. Sandberg (a copy of said August 13, 2002 letter is attached hereto and incorporated herein as **Exhibit H**); and

WHEREAS, in a letter dated August 13, 2002, and received by the City on August 14, 2002, Robert O. Sandberg forwarded to the City Manager a copy of the Rider to Store Lease (a copy of said Rider is attached hereto and incorporated herein as **Exhibit I**); and

WHEREAS, the Director of Planning and Economic Development has reviewed and evaluated the development proposal presented for 111 North Main Street, in light of the Wheaton Main Street Redevelopment Area Project and Plan and prepared a Memorandum for Record dated August 16, 2002; and

WHEREAS, the Corporate Authorities have reviewed the negotiation history regarding the subject property, including the dates when Robert O. Sandberg made presentations to the Corporate Authorities; and

WHEREAS, the Corporate Authorities have also reviewed the Director of Planning and Economic Development's Memorandum regarding the proposed development of the subject property and have concluded that the collective interior plans and proposals of the tenant and landlord fail to successfully address the redevelopment goals of the City; and

WHEREAS, the deadline for the Corporate Authorities to consider the status of negotiations for the acquisition of the subject property has been extended at least three times at the request of Mr. Sandberg; and

WHEREAS, the Corporate Authorities have offered to purchase said property at a price which is based on information obtained from the Corporate Authorities' consultants regarding the fair cash market value of the property, however, the Corporate Authorities have been unable to agree with the owners of the property concerning just compensation and negotiations have reached an impasse as defined by Illinois case law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, as follows:

SECTION 1: That the recitals set forth above are hereby adopted and incorporated into this Ordinance.

SECTION 2: That the redevelopment plans and information submitted to the City regards the completeness of the proposed use and/or viability of the proposed tenancy is insufficient to satisfy the City's redevelopment goals.

SECTION 3: That it is necessary and desirable that the real estate described in Exhibit A and depicted in Exhibit B attached hereto be acquired in fee simple by the said City of Wheaton by eminent domain as authorized in 65 ILCS 5/11-74.4-4.

SECTION 4: That the Corporate Authorities have reviewed the history of negotiations and hereby finds that negotiations with the owners have reached an impasse as defined by the law.

SECTION 5: That it is necessary and desirable that fee simple title to the real estate described in Exhibit A and depicted in Exhibit B attached hereto, be acquired by condemnation by the Corporate Authorities for one or more of the purposes set forth.

SECTION 6: That the City Manager, his staff, and the City Attorneys be, and hereby are, authorized to take the necessary steps by condemnation to acquire title to the real estate described in Exhibit A and depicted in Exhibit B attached hereto.

SECTION 7: That the previously issued negotiation authority as set forth in Ordinance No. F-0718, authorizing the City Manager, his staff and the City Attorneys to acquire the subject property through negotiation is hereby revoked as it relates to "good faith negotiations" necessary as a predicate for the exercise of the City of Wheaton's condemnation power. In this regard, it is the express intention of the City of Wheaton that any and all further discussions, negotiations or conferences related to the acquisition of the subject real estate be declared to be only in reference to settlement of imminent or pending condemnation litigation.

SECTION 8: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9: All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effect upon its passage and approval as provided by law.

James Caw
Mayor

ATTEST:

Erin M. Annaloro
City Clerk

Roll Call Vote on Motion as Amended:
Ayes: Councilman Eckhoff
Councilman Gresk
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays: Councilman Mouhelis

Absent: None

Motion Carried

Passed: August 19, 2002
Published: August 20, 2002

PARCEL 1:

LOT 2 AND THAT PART OF LOT 6 LYING NORTH OF A LINE EXTENDED EASTERLY THAT IS 5 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 3, IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SECOND ASSESSMENT RECORDED JULY 6, 1907, AS DOCUMENT 91155, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL NUMBER 1 AS CREATED BY AGREEMENT BETWEEN NORA D. OTT AND CHARLES F. OTT, HER HUSBAND, AND JAMES S. PEIRONNET AND FANNY S. PEIRONNET, HIS WIFE, DATED AUGUST 28, 1905, AND RECORDED NOVEMBER 22, 1905, AS DOCUMENT 86172, FOR A PRIVATE PASSAGEWAY OVER THE NORTH 5 FEET OF LOT 3 IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

THE NORTH 35 FEET OF LOT 6 (EXCEPT THAT PART THEREOF LYING WEST OF THE EASTERLY LINE OF LOT 3, AS EXTENDED) IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST 1/2 OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWNER'S SECOND ASSESSMENT SUBDIVISION, RECORDED JULY 6, 1907, AS DOCUMENT 91155, IN DUPAGE COUNTY, ILLINOIS.



CHICAGO TITLE INSURANCE COMPANY

505 E. NORTH AVE., CAROL STREAM, IL 60188

(630) 588-4870

TRACT INDEX SEARCH

DAY & ROBERT
300 E 5TH AVE
SUITE 365
NAPERVILLE, ILLINOIS 60563
KELLI SMITH

CTIC Order No.: 1410 C53422010 STP
Cover Date: FEBRUARY 18, 2002
Ref: KELLI SMITH/WHEATON/DUPG CNTY
KLH

Legal Description of Land Searched: (See Attached)

Permanent Tax Number (P.I.N.):
05-16-303-008
05-16-303-012

Street Address of Land Search (as furnished by Applicant):
WHEATON, ILLINOIS

Grantee(s) in last recorded conveyance:
ROBERT SANDBERG AND KAREN SANDBERG

In accordance with the application, a search of tract indices discloses the following items. With respect to residential properties, we may not have shown mortgages, trust deeds, or other liens which were eliminated by transactions closed through CTIC or Chicago Title and Trust Company.

DOCUMENT/CASE NO.: R68-060193
GRANTOR: FRANK WILDERSPING AND BETTY WILDERSPING, HIS WIFE
GRANTEE: ROBERT SANDBURG AND KAREN SANDBURG
INSTRUMENT: DEED
DATE: 12/27/1968
RECORDED: 12/20/1968

DOCUMENT/CASE NO.: 2000ED-54
GRANTOR: CITY OF WHEATON
GRANTEE: ROBERT SANDBERG, ETAL
INSTRUMENT: COMPLAINT FOR CONDEMNATION
DATE: 00/00/00
RECORDED: 09/12/2000

DOCUMENT/CASE NO.: R2000-141795
GRANTOR: CITY OF WHEATON
GRANTEE: DUPAGE TRUST COMPANY, ROBERT SANDBERG, KAREN SANDBERG
AND WHEATON SANITARY DISTRICT
INSTRUMENT: LIS PENDENS NOTICE
DATE: 00/00/00
RECORDED: 09/13/2000
REMARKS: (RE: CASE NO. 2000ED-54)

(CONTINUED)

EXHIBIT C to Ordinance F-0752
(111 & 113 North Main Street)

By: Kenneth L. Hen

3 OF SEARCH AND EXPLANATION OF ABBREVIATIONS



CHICAGO TITLE INSURANCE COMPANY

Order No.: 1410 C53422010 STP

Disclosures (Continued):

DOCUMENT/CASE NO.:	R2001-019041
GRANTOR:	WHEATON SANITARY DISTRICT
INSTRUMENT:	LIEN
DATE:	01/30/2001
RECORDED:	02/02/2001
REMARKS:	(FOR PROVIDING SEWERAGE & RELATED SERVICES)

Ordnance F-0752



CHICAGO TITLE INSURANCE COMPANY

505 E. NORTH AVE., CAROL STREAM, IL 60188

TRACT INDEX SEARCH

Order No.: 1410 C53422010 STP

Additional Tax Numbers:

Legal Description:

PARCEL 1:

LOT 2 AND THAT PART OF LOT 6 LYING NORTH OF A LINE EXTENDED EASTERLY THAT IS 5 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 3, IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SECOND ASSESSMENT RECORDED JULY 6, 1907, AS DOCUMENT 91155, IN DUPAGE COUNTY, ILLINOIS.

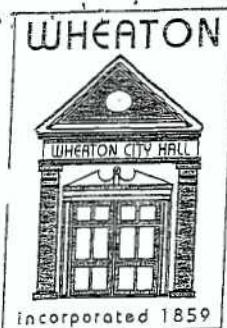
PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL NUMBER 1 AS CREATED BY AGREEMENT BETWEEN NORA D. OTT AND CHARLES F. OTT, HER HUSBAND, AND JAMES S. PEIRONNET AND FANNY S. PEIRONNET, HIS WIFE, DATED AUGUST 28, 1905, AND RECORDED NOVEMBER 22, 1905, AS DOCUMENT 86172, FOR A PRIVATE PASSAGeway OVER THE NORTH 5 FEET OF LOT 3 IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

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Ordinance F-075-



June 20, 2002

Mayor
C. James Carr

City Council
Grant Edhoff
Michael J. Gresk
Linda W. Johnson
W. David Johnson
Robert Mork
Tom Mouhelis

City Manager
Donald B. Rose

Mr. Robert O. Sandberg
807 Crest Street
Wheaton, Illinois 60187

*RE: Wheaton Main Street Redevelopment Project
111 and 113 North Main Street, Wheaton, Illinois 60187
Permanent Parcel Nos. 05-16-303-008 and 05-16-303-012*

Dear Mr. Sandberg:

As a follow-up to the City Council meeting and the presentation you made at that meeting on June 17, 2002, please let this letter confirm that further action with regard to the above-referenced property will be considered at the City Council meeting scheduled for July 1, 2002. This meeting is scheduled to commence at 7:30 p.m. and will be held at the Council Chambers, second floor, of the Wheaton City Hall Building, 303 West Wesley Street, Wheaton, Illinois 60187.

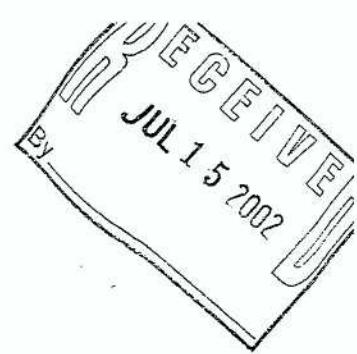
As you indicated in your presentation to the City Council on June 17, 2002, it is the City's understanding that you have obtained a tenant for 111 North Main Street, and that tenant is proposing to make certain improvements to the property. As requested at the City Council meeting, please deliver a copy of the executed lease for 111 North Main Street to me, as well as a copy of the development plans. The City needs to review both the lease and the plans to determine whether or not they will achieve the redevelopment goals that the City has stated in the Wheaton Main Street Redevelopment Plan.

These specific issues will be considered by the City Council on July 1, 2002. Therefore, it is imperative that you deliver the lease and development plans to me by June 25, 2002 so that these documents may be considered by the City Council on July 1, 2002.

Sincerely,

Donald B. Rose
City Manager

EXHIBIT D to Ordinance F-075-
(111 & 113 North Main Street)



July 12, 2002

(Hand Delivered)

Mayor
C. James Carr

City Council
Grant Eckhoff
Michael J. Gresk
Linda W. Johnson
W. David Johnson
Robert Mork
Tom Mouhelis

City Manager
Donald B. Rose

Mr. Robert O. Sandberg
807 Crest Street
Wheaton, Illinois 60187

*RE: Wheaton Main Street Redevelopment Project
111 and 113 North Main Street, Wheaton, Illinois 60187
Permanent Parcel Nos. 05-16-303-008 and 05-16-303-012*

Dear Mr. Sandberg:

During the course of your presentation to the City Council on July 1, 2002, you indicated that your tenant for 111 North Main Street was working with an architect, and that your tenant simply needed additional time to prepare architectural plans. As of today's date, neither yourself nor your tenant has submitted any plans or architectural specifications for the redevelopment of 111 North Main Street. You indicated that your tenant was discussing utilization of a portion of the property for outside dining, and stated that the tenant had actually participated in the redevelopment of 120 Ocean Place. You specifically expressed your own lack of knowledge and lack of understanding regarding why the tenant was uncomfortable submitting plans and specifications to the City, despite the fact that any planned development of the property will require that plans and specifications be submitted to the City for approval under both the Building Code as well as any proposed redevelopment agreement. You further indicated that you would recommend to the tenant that the plans be submitted as soon as possible.

The Store Lease you submitted to the City Council on July 1, 2002 dated May 11, 2002 for 111 North Main Street references that a Rider No. 1 is attached to and made a part of the Lease. However, the copy of the Lease that you provided the City Council does not include this Rider No. 1. Please provide me with a copy at your earliest convenience.

The City would very much like to meet with you and Mr. Lee as soon as possible to discuss both the specifics of the Store Lease and the redevelopment plans for the property. Please contact me at your earliest convenience so that we can arrive at a mutually agreeable time to meet with you and Mr. Lee.

EXHIBIT E to Ordinance F-0752
(111 & 113 North Main Street)

Mr. Robert O. Sandberg
Page 2
July 12, 2002

Please let this letter confirm that further action with regard to the above-referenced property will be considered at the City Council meeting scheduled for July 15, 2002. This meeting is scheduled to commence at 7:30 p.m. and will be held at the Council Chambers, second floor, of the Wheaton City Hall Building, 303 West Wesley Street, Wheaton, Illinois 60187.

Please provide me with the requested information as soon as possible, and contact me to arrange a meeting with you and Mr. Lee.

Sincerely,



Donald B. Rose
City Manager



Mayor
C. James Carr

City Council
Grant Eckhoff
Michael J. Gresh
Linda W. Johnson
W. David Johnson
Robert Mork
Tom Mouheis

City Manager
Donald B. Rose

July 23, 2002

VIA HAND DELIVERY

Mr. Robert O. Sandberg
807 Crest Street
Wheaton, Illinois 60187

*RE: Wheaton Main Street Redevelopment Project
111 and 113 North Main Street, Wheaton, Illinois 60187
Permanent Parcel Nos. 05-16-303-008 and 05-16-303-012*

Dear Mr. Sandberg:

As you are aware, the Wheaton City Council met on July 15, 2002 to discuss the status of negotiations for the acquisition of the above-referenced property. The City is still awaiting receipt of Rider No. 1 that is attached to and made a part of the Store Lease that you submitted to the City Council for 111 North Main Street. You indicated on July 15, 2002 during the course of our telephone conversation that you would be providing the City with a copy of this Rider. As of today, I have yet to receive a copy of the Rider. Please provide me with a copy immediately.

You also indicated during our conversation that it would not be possible for you or your tenant, Mr. Lee, to submit the requested plans for the building renovation until after Mr. Chang, the construction manager for Mr. Lee, returned on July 16, 2002 from an out of town trip. Once again, it is necessary that you or your tenant submit a copy of the redevelopment plan so that the City may determine whether or not the plans legitimately meet the redevelopment goals of the City of Wheaton.

In recognition of your request for an extension (due to the fact that Mr. Chang was out of town), the City has agreed to delay further consideration of the status of negotiations to August 5, 2002. On that date, the City Council will meet to discuss further action with regard to the above-referenced property. This meeting is scheduled

**EXHIBIT F to Ordinance F-075-2
(111 & 113 North Main Street)**

Mr. Robert O. Sandberg
Page 2
July 23, 2002

to commence at 7:30 p.m. and will be held at the Council Chambers, second floor, of the Wheaton City Hall Building, 303 West Wesley Street, Wheaton, Illinois 60187.

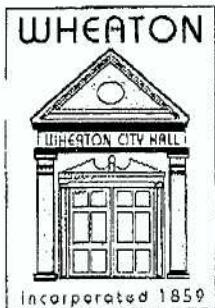
Please provide me with the requested information as soon as possible. As previously requested in my letter of July 12, 2002, the City would still like to meet with you and Mr. Lee to discuss both the specifics of the Store Lease and the redevelopment plans for the property.

Sincerely,



Donald B. Rose
City Manager

cc: Jonathan T. Lee, c/o Bubble Tea House, 111 North Main Street, Wheaton, Illinois 60187 (via hand delivery)
Jonathan T. Lee, 3466 Ravinia Circle, Aurora, Illinois 60505
(via U.S. mail)



August 9, 2002

Mayor
C. James Carr

City Council
Grant Eckhoff
Michael J. Gresk
Linda W. Johnson
W. David Johnson
Robert Mork
Tom Mouheis

City Manager
Donald B. Rose

VIA HAND DELIVERY

Mr. Robert O. Sandberg
807 Crest Street
Wheaton, IL 60187

*RE: Wheaton Main Street Redevelopment Project
111 and 113 North Main Street, Wheaton, Illinois 60187
Permanent Parcel Nos. 05-16-303-008 and 05-16-303-012*

Dear Mr. Sandberg:

As you are aware, the Wheaton City Council met on August 5, 2002 to discuss the status of negotiations for the acquisition of the above referenced property. The City is still awaiting receipt of rider No. 1 that is attached to and made a part of the Store Lease that you submitted to the City Council for 111 North Main Street. During the course of last Monday's City Council meeting, the City Council expressed its disappointment that it had yet to receive the promised information regarding the Rider No. 1 to the Store Lease and the City also expressed its disappointment that the City has not yet received a complete redevelopment plan for the property.

The City Council has reluctantly agreed to extend the negotiations for the acquisition of the above-referenced property through August 14, 2002. The extension is to afford you and/or your tenant the opportunity to submit a complete copy of the lease (including all riders and addendum), as well as a complete redevelopment plan. All documents need to be submitted to my office no later than 4:00 p.m. on August 14, 2002. This will enable the City staff to review any and all redevelopment plans submitted, and prepare an appropriate report to be submitted to the City Council in advance of the meeting currently scheduled for August 19, 2002.

In the absence of any further submittals, the City of Wheaton will consider the already submitted documents as the final redevelopment proposal associated with the above-referenced property.

EXHIBIT G to Ordinance F-075-2
(111 & 113 North Main Street)

Mr. Robert O. Sandberg

Page 2

August 9, 2002

The City continues to proceed with the understanding that you have rejected the City's cash offer to purchase the property for \$260,000.00, and that you do not wish to sell the property to the City of Wheaton.

Once again, it is necessary that the City of Wheaton receive a complete copy of any and all redevelopment plans and a copy of Rider No. 1 to the Store Lease, and any additional amendments, no later than 4:00 p.m. on August 14, 2002.

The City Council will meet on August 19, 2002 to discuss further action with regard to the above-referenced property. This meeting is scheduled to commence at 7:30 p.m. and will be held at the Council Chambers, Second Floor, of the Wheaton City Hall Building, 303 West Wesley Street, Wheaton, Illinois 60187. Be advised that the City Council will be making a determination as to whether or not the City has reached an impasse with you regarding negotiation for the purchase of the above-referenced property.

Sincerely,



Donald B. Rose
City Manager

cc: Jonathan T. Lee, c/o Bubble Tea House, 111 North Main Street, Wheaton, Illinois 60187

(Via hand delivery)

Jonathan T. Lee, 3466 Ravinia Circle, Aurora, Illinois 60505

(Via certified mail, return receipt requested)

Received 8-14-02
3:00 PM
WR

Robert Sandberg
101 - 103 W. Front St.
Wheaton, IL 60187

August 13, 2002

Mr. Donald Rose
303 W. Wesley St.
Box 727
Wheaton, IL 60187-0727

Dear Mr. Rose:

Please find enclosed the rider to the lease I have with Mr. Lee.

Mr. Chan, Mr. Lee's construction manager, has submitted his plans to the building department, as I understand it, Joe Kreidl, director of our building department, is leaving for vacation and will be gone August 9th and will not be back until after August 19th. I hope this won't have any adverse affect on expediting the approval of Mr. Lee's plans.

I also hope that your two letters to myself, with copies sent to Mr. Lee, dated July 23 and August 9, 2002 will not deter Mr. Lee from his business venture in Wheaton. It appears that this was the intention as information contained therein was not at all news to me.

On July 16, 2002, in open court in front of Judge Duncan, a request was made of Mr. James Knippen as to a letter of direction regarding 109 N. Main St., Wheaton. As a courtesy, this request and Mr. Knippen's acceptance of same was not written into an order. However, Mr. Knippen assured the court that this would be done. Since this was not done, on August 6, 2002, the same request was made again in open court in front of Judge Duncan and the Judge asked Mr. Knippen if there was any reason why this couldn't be done. Mr. Knippen contended that it was sent to me via the mail but he would at this time hand deliver the letter to me.

(2)

Until date, I have yet to receive either the letter he claims to have sent via the mail or the letter sent via hand delivery. Since the letter sent to me via the mail was never received, it must have gone back to him. I would like to see this returned sealed envelope along with the letter within. Could you see that I get this letter at your earliest convenience.

Please use this letter as my request for copies of all minutes that have been taken, at all of the closed sessions that council had, regarding the acquisition of any and all of my properties at 111-113 N. Main, 109 N. Main, 106-108-110 N. Main, 101-103 and 105 W. Front St. Wheaton, IL.

Sincerely,



Robert Sandberg

Via Hand Delivery & Facsimile

I hope that you will be able to relate to Council and Mayor about your meeting with Mr. Chan and Mr. See regarding their plans for 111 N. Main St.

Page 1 of 2

This rider to be attached to and made a part hereof a store lease dated May 11, 2002 and ending May 31, 2007 between Robert Sandberg and Jonathan T. Lee.

- (A) In addition to the rent reserved, the lessee agrees to pay annually 50% or one half of the annual Real Estate Taxes for 111-113 N. Main Street, Wheaton, IL 60187, parcel #05-16-303-008 and 05-16-303-012. This tax rate should continue to go down, however, in the event the assessed valuation should increase, the lessee will also pay 100% of the increase in taxes that the increased valuation has caused.
- (B) Lessee shall have his insurance agent send a copy of the plate glass insurance to lessor at 101-103 Front St. Wheaton, IL 60187.
- (C) Lessee is to be responsible for all snow removal, maintenance and repairing.
- (D) It is understood that in the event the City of Wheaton or any other governing body requires anything as to the safety or successful operation of the lessee's business that this expense will be bore entirely by the lessee.
- (E) Lessee fully understands that if the monthly rent payments are not received before the first of each and every month, that the discounted amounts will not apply.
- (F) Lessee agrees to keep the garbage in properly sealed containers and have them emptied at lessee's expense at least twice each week.
- (G) Lessee agrees to pay all lessor's costs, charges and expenses including fees of attorneys, agents and others retained by lessor incurred in enforcing any payments of this lease agreement.
- (H) Lessee will collect 20% of the gas bill for the boiler from the tenant at 113 N. Main St. Wheaton, IL 60187. This will be done as long as there is a tenant and there is a need for heat in that apartment.

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(1) Lessee has made a survey of the premises and accepts it in the condition that it is in and agrees to do all desired and necessary altering at lessee's expense. The premises is rented to the lessee "as is". Upon termination of this lease, lessee agrees to leave all items that are attached and leave the premises without any code violations.

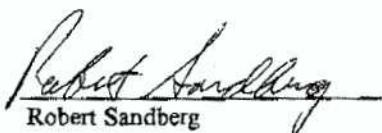
(J) Lessee agrees to accept full responsibility of the main sewer line and do all maintenance so as to keep it open, flowing and agrees to repair all damages caused by the clogging up of this main sewer drain. If a grease trap is to be installed, it will be at the expense of the lessee and lessee will clean it out on a regular basis, and not less than 4 times in any 12 month period.

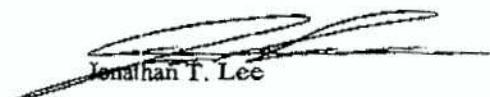
(K) Lessor will be responsible for the boiler, roof, exterior walls & structural foundations.

(L) Lessee agrees to pay a security deposit in the amount of \$3,317.00 and a last months rent of \$3,317.00, last month is deemed to mean May of 2007

(M) Lessor agrees to allow any sign to be attached to the building as long as it is complies with the City of Wheaton sign ordinance. It is further agreed that upon termination of this lease, the lessee will cause the sign to be removed at lessee's expense and will properly repair all damaged caused by same.

Notes: _____


Robert Sandberg


Jonathan T. Lee